



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

DEC 08 2016

Via Email and Certified Mail No.: 7014 1820 0000 4722 5225
Return Receipt Requested

In Reply Refer to:
Maui Soda & Ice Works
918A Lower Main St., Wailuku, HI 96793

Cathy Nobriga Kim
General Manager
Maui Soda & Ice Works
918A Lower Main St.
Wailuku, HI 96793

RE: Request for Information Pursuant to Clean Air Act Section 114

Dear Ms. Kim:

The U.S. Environmental Protection Agency ("EPA") Region 9 is investigating a reported release of anhydrous ammonia at the Maui Soda & Ice Works (the "Company") facility located at 918A Lower Main St. in Wailuku, HI (the "Facility"). With this letter and its enclosure ("Information Request"), EPA seeks additional information and documents concerning the Company's compliance with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1). This Information Request is authorized pursuant to Section 114 of the CAA, 42 U.S.C. § 9614. EPA believes that the requested information is, or should be, readily available at the facility. Your responses to this letter must be made by a letter, signed by a person or persons duly authorized to represent the Company.

Please provide the requested information so that it is *received by January 30, 2017*. Submittals should be made electronically to the extent feasible. The Company's response should be directed to Address your submittal to:

Jeremy Johnstone (SFD-9-3)
Environmental Engineer
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St.
San Francisco, CA 94105
johnstone.jeremy@epa.gov

C. Nobriga Kim, General Manager
Maui Soda & Ice Works

Please note that, pursuant to regulations located at 40 C.F.R. Part 2, Subpart B, you are entitled to assert a business confidentiality claim covering any part of the submitted information as defined in 40 C.F.R. § 2.201(c). Asserting a business confidentiality claim does not relieve you from the obligation to fully respond to this letter. Failure to assert such a claim makes the submitted information subject to public disclosure upon request and without further notice to you, pursuant to the Freedom of Information Act, 5 U.S.C. § 552. Information subject to a business confidentiality claim may be available to the public only to the extent set forth in the above-cited regulation. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. In addition, EPA has not waived any rights to take enforcement action for past or future violations.

The Company's compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action being taken in accordance with Section 113 of the CAA, 42 U.S.C. § 7413. This may include penalties of up to \$93,750 per day of noncompliance. In addition, the submission of knowingly false or misleading statements may be punished by a fine pursuant to Title 18 of the U.S. Code, or by imprisonment for not more than two years, or both.

If you have any questions regarding the Information Request, please contact Jeremy Johnstone of my staff at (415) 972-3499 johnstone.jeremy@epa.gov, or have your counsel contact Andrew Helmlinger, Assistant Regional Counsel, at (415) 972-3904 or helmlinger.andrew@epa.gov. We thank you in advance for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'EM', with a long horizontal stroke extending to the right.

Enrique Manzanilla, Director
Superfund Division

Enclosure

cc (via email w/enclosure):

J. Johnstone, U.S. EPA Region IX

A. Helmlinger, U.S. EPA Region IX

F. Grange, HDOH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Enclosure

Information Request
Maui Soda & Ice Works

Please provide the information requested in the Information Request section of this Enclosure such that it is *received* by no later than **January 30, 2017**.

INSTRUCTIONS

1. Please provide a separate response to each request, and identify each response by the number of the request to which it corresponds. For each document produced, identify the request to which it is responsive.
2. Knowledge or information that has not been memorialized in any document, but is nonetheless responsive to a request, must be provided in a narrative form.
3. The scope of this Information Request includes all information and documents obtained or independently developed by the Company, its attorneys, consultants or any of their agents, consultants, or employees.
4. The Company may not withhold any information from EPA on the grounds that it is confidential business information. EPA has promulgated regulations, under 40 CFR Part 2, Subpart B, to protect confidential business information that it receives. The Company may assert a business confidentiality claim (in the manner specified in 40 CFR § 2.203(b)) for all or part of the information requested by EPA. However, business information is entitled to confidential treatment only if it satisfies the criteria set forth in 40 CFR § 2.208. EPA will disclose business information entitled to confidential treatment only as authorized by 40 CFR Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
5. Notice is hereby given, pursuant to 40 CFR § 2.301(h), that EPA may disclose confidential information provided by the Company to EPA's authorized representatives, including its contractors. Confidential information may be disclosed to EPA's authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR § 2.301(h), the Company may submit, along with its response to this Information Request, any comments regarding EPA's disclosure of confidential information to its authorized representatives.
6. If information or documents not known or available to the Company at the time of its response to this Information Request later become known or available to it, it must supplement its response to EPA. Moreover, should the Company find at any time after the submission of its response that any

portion of the submitted information is false or misrepresents the truth, the Company must notify EPA as soon as possible and provide EPA with a corrected response.

7. If information responsive to a request is not in the Company's possession, custody, or control, identify the persons or entities from whom such information may be obtained. For each individual or entity that possesses responsive information, please provide the following: name, last known or current address, telephone number, and affiliation with the Company or the Facility.

8. If you believe there are grounds for withholding information or documents that are responsive to this request, e.g., attorney-client privilege, you must identify the information or documents and state the basis for withholding.

DEFINITIONS

The following definitions apply to the following terms (words or phrases) as they appear in this Information Request. Defined terms are enclosed in quotation marks:

1. "You" or the "Company" shall mean Maui Soda & Ice Works, or its officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

2. "Facility" means all buildings, equipment, structures, installations, pipes, or stationary items owned, leased, or operated by the Company, at the property or properties located at: 918A Lower Main St. in Wailuku, HI or contiguous or adjacent to that address.

3. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (included by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memoranda of telephone and other conversations (including meetings, agreements and the like), diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photo-stat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any disc or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such disc other type of memory). The terms "document" and "documents" include (a) every copy of each document that is not an exact duplicate of a document which is produced, (b) every copy that has any writing, figure or notation, annotation or the like, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

4. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or its implementing regulations at 40 CFR Part 68, in which case the statutory or regulatory definitions shall apply.

INFORMATION REQUEST QUESTIONS

1. Provide the following information for the Facility:

- a. A description of the ammonia refrigeration system (ARS);
- b. A flow diagram of the facility ARS;
- c. A facility plan view that shows the location of major ARS components;
- d. The year that the ARS commenced operations;
- e. A description of major modifications made to the ARS;
- f. Which industry codes and standards were used in the design and construction of the ARS and its modifications;
- g. A copy of the last hazard review/process hazard analysis, including the recommendations that resulted from the analysis from the ARS. Describe how these recommendations are resolved and tracked to completion;
- h. A copy of procedures developed to maintain the on-going mechanical integrity of the equipment associated with the ARS;
- i. A copy of the facility Emergency Action Plan or Emergency Response Plan, as prepared pursuant to OSHA requirements at 29 CFR 1910.38(a) or 29 CFR 1910.120(q), respectively;
- j. The number of employees at the facility and the number of employees responsible for operating the facility ARS;
- k. An indication of whether each of the following bare minimum safety measures are in place at the Facility. For ease of responding, this question has been set up in a checklist format that you can just fill out.
 - i. Understanding the Hazards Posed by the System
 - Facility has completed a process hazard review/analysis to identify the hazards posed by the System(s), following industry standards.¹ Also, provide the date of this hazard review. ☐Yes Date _____ ☐No

¹ - The recommended industry practice and standard of care for ammonia refrigeration systems of this size would be to identify hazards using industry checklists, a What-if analysis, or a Hazard and Operability study. See e.g., the International Institute of Ammonia Refrigeration's ("IIAR's") *Ammonia Refrigeration Management Program* (2005), Section 10; EPA's *Guidance for Implementation of the General Duty Clause Clean Air Act Section 112(r)(1)*, available at <http://www.epa.gov/oem/docs/chem/gdcregionalguidance.pdf>; and IIAR Bulletin No. 110, *Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems* (1993, rev. 2002) Section 5.2.1 [The owner shall confirm that a Process Hazard Analysis has been completed and that recommendations have been resolved or implemented.]

ii. Operating Activities:

Hazard Addressed: High risk of release from operating or maintenance activity

- System(s) has self-closing/quick closing valves on all oil pots. ☐Yes ☐No
- Facility has written procedures for System maintenance and operation activities. ☐Yes ☐No
- Only authorized persons have access to refrigeration machinery room and the ability to alter safety settings on equipment. ☐Yes ☐No

iii. Maintenance/Mechanical Integrity:

Hazard Addressed: Leaks/releases from maintenance neglect

- A preventative maintenance program is in place and being implemented to, among other things, detect and control corrosion, deteriorated vapor barriers, mold and ice buildup, pipe hammering and ensure adequacy of equipment/pipe supports. ☐Yes ☐No
- All piping system openings are plugged or capped. ☐Yes ☐No
- Equipment, piping, and valves are labeled for easy identification, and pressure vessels have legible, accessible nameplates. ☐Yes ☐No
- All pressure relief valves have been replaced in the last five years. ☐Yes ☐No

iv. Machinery Room

Hazard Addressed: Inability to isolate releases

- Each System has emergency shut off and ventilation switches outside the refrigeration machinery room. ☐Yes ☐No
- Each machinery room has functional, tested, ventilation. Air inlets are positioned to avoid recirculation of exhaust air and ensure sufficient inlet air to replace exhausted air. ☐Yes ☐No

v. Emergency Actions

Hazard Addressed: Inability to regain control and reduce release impact

- Emergency response communication has occurred with the local emergency planning committee and local responders. Provide the date of the last communication. ☐Yes Date____ ☐No
- An Emergency Action Plan or Emergency Response Plan has been developed. ☐Yes ☐No
- The System's critical shutoff valves are accessible and identifiable. ☐Yes ☐No
- If respirators are used, you know where the respirators are located, and the respirators are inspected and maintained per manufacturer or industry standards. ☐Yes ☐No
- Eyewash station(s) and safety shower(s) is/are present and functional. ☐Yes ☐No
- The facility has ammonia detectors and alarms to detect a release of ammonia. ☐Yes ☐No

2. Provide a statement and supporting documentation indicating both the Company's present net worth and gross revenues for calendar and/or fiscal year 2016.